

Andru Volinsky,
Executive Councilor for District Two
Meeting Report
Executive Council Meeting of June 7, 2017
and
Confirmation Hearing of May 31, 2017

Please feel free to contact me at Andru.Volinsky@nh.gov.

Judicial Confirmation Hearing for Belknap County Attorney Melissa Guldbrandsen

The Governor nominated the County Attorney for Belknap County to a position on the Circuit Court. The Circuit Court is the entry level court for most disputes in New Hampshire. It handles misdemeanor and violation cases, small claims, domestic violence, and landlord tenant matters.

Ms. Guldbrandsen is a well-respected County Attorney. Her experience as a prosecutor is relevant and will be helpful to her consideration of criminal and domestic violence cases. Out of concern that she not be too one-sided in her deliberations, I asked her to share her views about the Public Defender Office. Public Defenders are appointed to provide legal representation to indigent criminal defendants. Ms. Guldbrandsen talked at some length about the importance of the Public Defender Office and the quality of the lawyers who serve there. Ms. Guldbrandsen was unaware of my prior service as a Public Defender.

I also thought it was relevant that Ms. Guldbrandsen was in a solo general practice in the Lakes Region for about five years. Given the lack of resources that are made available to our courts, service as a Circuit Court judge in some counties is similar to being a solo practitioner.

Notable witnesses testifying in support of Ms. Guldbrandsen included Tina Nadeau, the chief judge of the Superior Court, and a number of local police chiefs. Judge Nadeau talked about her interaction with the nominee in terms of drug courts which are designed to address drug related offenses in a more rehabilitative and less punitive fashion.

On a humorous note, Councilor Kenney asked Ms. Guldbrandsen to identify the most important case decided by the New Hampshire Supreme Court in the last 20 years. The Councilor was likely expecting the nominee to identify a case in the criminal justice field. When she identified the Claremont cases, he stopped asking questions. I was the lead lawyer in the Claremont school funding cases in the 1990s and early 2000s.

No one testified against the nomination.

Council Agenda Items of Note

Councilor Pappas hosted the Council breakfast at the Department of Employment Security (DES) with Commissioner Copadis. The Commissioner provided the Councilors an overview of unemployment in New Hampshire. We have a very low rate

of unemployment and one of the highest rates of participation in the labor market in the country. The average duration of the receipt of unemployment benefits is now down to 13 weeks, about where it was prior to the 2008 recession. Similarly, the rate at which recipients exhaust their regular 26 weeks of benefits is at 17%, again near the pre-recession rate. From my perspective, what this means is that we must work to increase the size of our labor force. One of the key limitations we have on our efforts to encourage businesses to grow in New Hampshire or to recruit them to move here is that we have limits on the number of workers we have to take high skill jobs. We need to encourage younger people to stay in New Hampshire or move here in order to improve our business development efforts. For more on this topic, please go to: [Nhbr.com/June-9-2017/the good jobs imperative/](http://Nhbr.com/June-9-2017/the%20good%20jobs%20imperative/)

On a positive note, New Hampshire has a very low tax rate imposed on businesses to fund our unemployment compensation system. At 0.26%, it is the second lowest in the nation. Our maximum weekly benefit of \$427/week is near the nation's average.

Special Election for Auburn, Chester, and Sandown Approved

The Council approved a special election for Rockingham County District 4 which serves Auburn, Chester, and Sandown. The filing period is June 12-16. If there is need for a primary, it will be held on August 8th with the general election on September 26th. If a primary is not necessary, the general election will be August 8th.

Special Election for Belmont and Laconia

The Council approved a special election for Belknap County District 9 which serves Belmont and Laconia. This was Rep. Robert Fisher's seat. He resigned after a hearing about his social media postings critical of women. The filing period is June 12-16. If there is need for a primary, it will be held on September 12th with the general election on November 7th. If a primary is not necessary, the general election will be September 12th.

Och Ziff and the Sunapee Ski Area

Och Ziff is a hedge fund that bought the corporation that owns the lease for the Sunapee Ski area. Last year, Och Ziff was fined \$200 million and had to disgorge another approximately \$200 million in illegal profits under the Foreign Corrupt Practices Act for its activities in Africa. Foreign Corrupt Practices prosecutions are generally based on bribery allegations. I asked both the Attorney General's office and the Department of Resources and Economic Development to keep me briefed on the matter when I began my term in office. I was not briefed. I have now suggested that the Attorney General require Och Ziff to come to New Hampshire to inform the Council about the measures it has taken to prevent repeat offenses.

NH Hospital Contract with Dartmouth Hitchcock

The Executive Council approved a short term contract to hire former DHHS Commissioner Donald Shumway to be the interim CEO of the NH Hospital. Mr. Shumway and Commissioner Meyers reported to the Council that Dartmouth Hitchcock is in compliance with the most important staffing provisions of the contract for psychiatric services that was negotiated last fall. There remain some shortcomings in the area of geriatric psychiatry and with respect to daytime staffing requirements. Mr. Shumway assured the Council that the care provided is good. The contract

negotiated last fall is weak in terms of quality assurance provisions. The parties are revisiting this provision at my request and will report back to the Council soon.

DCYF Sampling of File Closures

The failings of our child welfare system are documented in a report issued last December and available here: dhhs.nh.gov/dcyf/documents/csf-qa-review-report.pdf. This February the DCYF skirted procedures to close a backlog of 1500 cases. DHHS requested permission from the Council to hire Eckerd Kids of Florida to perform a complex file review of 100 of these closed cases to determine if further action is required. As first reported in the Concord Monitor, Eckerd has been the subject of investigations itself. Concordmonitor.com/DCYF-contract-to-review-1500-cases I learned about Eckerd's difficulties from the Monitor article and expressed my concern that the Commissioner and his incoming DCYF director did not appear to have known of the problem. Councilor Pappas also raised concerns about the use of a sampling technique to review cases rather than reviewing all 1500 cases. The contract for Eckerd was reluctantly approved.

Meals on Wheels

The Council approved amending a contract for almost \$3 million to pay for Meals on Wheels in Rockingham County. The services are of the type being targeted for federal funding cuts.

Bus Funding

The Council approved a contract for \$300,000 with Concord Coach Lines to provide bus service between Concord and Berlin, North Conway, and Littleton. The money was from federal sources.

Women's Prison

The Council approved the extension of a contract with Strafford County to house state-sentenced women at its House of Corrections through possibly 2019. Although the new State Women's Prison will be completed by early fall of 2017, it will not be properly staffed for quite some additional time.

Secure Psychiatric Unit

The Council approved a contract with MHM Correctional Services to provide "outpatient and inpatient psychiatric services." The Department of Corrections, at my request, assured the Council that the approval of the contract does not commit the state to its practice of continuing to house people who are not convicted of a crime in the Secure Psychiatric Unit located at the Men's Prison in Concord.

Advertising and Marketing

The Council approved two multi-million dollar contracts with GYK Antler to provide tourism and lottery related advertising services, including the purchasing of materials and air time.

Fish and Game Commissioner David Patch

By a 3-2 vote in which Councilor Pappas and I dissented, the Council continued to table the vote on Commissioner Patch's nomination of another term.

Medicaid Managed Care Organization (MCO) Rate Increases

On Friday, June 2nd, the Council received its first notice of a proposed contract amendment to give rate increases to the two MCOs, Well Sense Health Plan and NH Healthy Families. The Medicaid program is a very large and complex program and the Council wanted more time to consider the amendment. The matter was tabled until the June 21st meeting to afford the Commissioner time to provide more information.

Education Tuition Assistance

By a 4-1 vote, Councilor Wheeler dissenting as to each, tuition assistance stipends were approved for employees at the Department of Health and Human Services and at the Insurance Department.

Nominations and Confirmations

The following nominees were confirmed:

Board of Acupuncture Licensing

Amy R. Goldstein, Concord

Financial Data Manager of the Department of Administrative Services

Alexander Stone, Amherst

Agricultural Lands Preservation Committee

Jane A. Presby, Concord

Board of Dental Examiners

Tara Levesque-Vogel, Nashua

Robert C. Kuepper, Concord

Lisa Scott, Manchester

Interstate Bridge Authority

Michael J. Griffin, Portsmouth

Invasive Species Committee

Leonard A. Lord, Epping

Jeffrey M. Taylor, Richmond

Justice of the New Hampshire Circuit Court

Melissa Countway Guldbrandsen, Alton

Lakes Management Advisory Committee

Richard D. Smith, Hancock

Board of Land Surveyors

Ginny Chrisenton, Lyndeborough

Board of Mental Health Practice

Janet Stevens, Rye

New Hampshire School Building Authority

Donald P. Bliss, Hampton

Public Water Access Advisory Board

Ronald Sowa, Manchester

Richard D. Smith, Hancock

Director of the Division of Audits for the Department of Revenue Administration

Frederick J. Coolbroth, Jr., Concord

State Veterans Council

Brendan Finn, Manchester

The following nominations were made:

Commissioner for the Department of Environmental Services

Robert R. Scott, Bow

Current Use Advisory Board

Tom Thomson, Orford

Justice of the New Hampshire Circuit Court

David Burns, Concord

Associate Justice of the New Hampshire Supreme Court

Anna Barbara Hantz Marconi, Stratham

Juvenile Parole Board

Jennifer Logsdon, Manchester

Lakes Management Advisory Committee

Mary D. Truell, Meredith

Tiffany J. Grade, Moultonborough

State Liquor Commission

Joseph W. Mollica, Concord

Board of Mental Health Practice

Jessica Baum, Keene

Pesticides Control Board

Susan Whittemore, Keene

Anne Krantz, Amherst

Pharmacy Board

Lindsey Laliberte, Hooksett

Police Commission

Matthew Plante, Nashua

Public Utilities Commission

Michael S. Giaimo, Andover

New Hampshire Retirement System Board of Trustees

John T. Beardmore, Hopkinton

Stephen A. Marro, Concord

Spotlight

A. \$15 an Hour

At my request, the state's agencies began reporting the lowest rates of compensation paid by state vendors to their employees. The following contractors were approved with the pay scales noted:

Department of Administrative Services—Kingdom Construction of Newport, VT:
\$16/hour with benefits.

Department of Administrative Services---Morello Constr. Inc. of Peterborough, NH:
\$15/hr with benefits

Office of the Adjutant General—T-Buck Construction of Turner, ME: \$14/hr with benefits.

Dept. of Resources and Econ. Dev't—K.S., LLC General Contracting of Mason, NH:
info is forthcoming

Department of Administrative Services—Turnstone Construction of Milford, NH:
REFUSED TO PROVIDE THE INFORMATION REQUESTED.

Next Meeting

Our next regularly scheduled Executive Council meeting will occur at the State House on June 21, 2017, beginning at 10. a.m. The agenda for the meeting will be posted by the Secretary of State on the Executive Council web page late on the preceding Friday afternoon. <http://sos.nh.gov/GC2.aspx>

Councilor Wheeler is responsible for organizing the Executive Council's informal breakfast which may be attended by the public. It will begin at 8 a.m. at the Department of Administrative Services on State Street in Concord.

Please note the next regularly scheduled meeting after this will not be until July 19th and the Executive Council will be on the road for the rest of the summer with meetings to be held in each of the five Executive Council Districts.

C. Items of Interest to District Two, by Region

Region 1-Monadnock

#31 Authorize the Bureau of Rail & Transit to enter into an agreement with the County of Cheshire, Keene, NH, for coordinated transportation services for seniors and individuals with disabilities, in an amount not to exceed \$207,848. Effective July 1, 2017 through June 30, 2019. 100% Federal Funds. Unanimous Vote.

#35 Authorize the Bureau of Rail & Transit to enter into an agreement with VNA at HCS Inc., Keene, NH, for public transportation services in the City of Keene, for an amount not to exceed \$551,136. Effective July 1, 2017 through June 30, 2019. 100% Federal Funds. Unanimous Vote.

#101 Authorize a Clean Water State Revolving Fund loan agreement with the City of Keene in an amount not to exceed \$2,939,309 to finance the Dewatering System Replacement Project. Effective upon G&C approval. 83% Federal, 17% Capital (Other) Funds. Unanimous Vote.

Region 2- Merrimack

#14 Authorize to enter into a sole source agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, to provide Housing Security Guarantee Program services, in an amount not to exceed \$25,000. Effective July 1, 2017 or upon G&C approval, whichever is later, through December 31, 2017. 100% General Funds. Unanimous Vote.

#29 Authorize the Bureau of Rail & Transit to enter into an agreement with Upper Valley Lake Sunapee Regional Planning Commission, Lebanon, NH, for coordinated transportation services for seniors and individuals with disabilities, in an amount not to exceed \$390,829. Effective July 1, 2017 through June 30, 2019. 100% Federal Funds. Unanimous Vote.

#37 Authorize the Bureau of Rail & Transit to enter into an agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for public transportation services in the Concord area, for an amount not to exceed \$1,337,487. Effective July 1, 2017 through June 30, 2019. 100% Federal Funds. Unanimous Vote.

#148 Authorize the Bureau of Court Facilities to enter into a lease agreement with the Count of Merrimack, Boscawen, NH, for courtroom and office space for the Merrimack County Superior Court, comprised of approximately 18,412 square feet, for an amount not to exceed \$574,728. Effective July 1, 2017 through June 30, 2019. 100% Transfer Funds (transfer from AOC, Rent from Other Agencies). Unanimous Vote.

Region 3-Strafford

#5A. Authorize to amend an award of grant funds to the University of NH, (originally approved by GC on 4-20-16, item #29), to install a steam turbine electric generator in Rudman Hall, by extending the completion date from June 30, 2017 to June 30, 2018. 100% Renewable Energy Fund, a non-lapsing dedicated fund continually appropriated to the Commission. No Additional Funds. Unanimous Vote.

#6 Authorize to hold a Public Hearing with respect to the contract ("Capital Access Program: Lender Participation Agreement") with Profile Bank. Action will authorize Resolutions under RSA 162-A:18 to determine the contract will serve a public use, provide public benefit, the proposed participating bank is qualified to participate, appropriate measures have been taken to ensure CAP loans will be made under the requirements of the Act, the contract complies with RSA 162-A:12, and reasonable precautions have been made to minimize loss, all within the policy and authority of the Act. Unanimous Vote.

#28 Authorize the Bureau of Rail & Transit to enter into an agreement with Cooperative Alliance for Seacoast Transportation, Dover, NH, for coordinated transportation services for seniors and individuals with disabilities, in an amount not to exceed \$132,808. Effective July 1, 2017 through June 30, 2018. 100% Federal Funds. Unanimous Vote.

#74 Authorize to exercise a contract renewal option, amendment with Strafford County, Dover, NH (originally approved by G&C on 7-22-15, item #61), for the provision of In-State Incarceration of State Sentenced Female Offender Services, to increase the amount by \$715,400 from \$1,842,120 to \$2,557,520. Effective July 1, 2017 through June 30, 2018, with the option to renew for one additional period of up to one year. 100% General Funds. Unanimous Vote.

#94 Authorize to enter into a sole source Cooperative Project Agreement with University of NH, Sponsored Programs Administration, Durham, NH, to perform data management activities for the NH statewide LiDAR dataset, in the amount of \$100,000. Effective upon G&C approval through June 30, 2019. 100% Wetland Funds. Unanimous Vote

#108 Authorize to award an Asset Management grant to the Town of Farmington, NH, in the amount of \$20,000 to improve public water system management. Effective upon G&C approval through May 31, 2018. 100% Federal Funds. Unanimous Vote